

FILED

MAR 18 2011

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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5 Attorneys for Defendants Megan Rose, as Mother and Natural Guardian for minor Joshua Rose,
6 Megan Rose, as Mother and Natural Guardian for minor Matthew Rose, and Megan Rose,
7 Individually

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10
11 PRUDENTIAL INSURANCE COMPANY
12 OF AMERICA,

13 Plaintiff,

14 vs.

15 MEGAN ROSE, as Mother and Natural
16 Guardian for minor JOSHUA ROSE, MEGAN
17 ROSE, as Mother and Natural Guardian for
minor MATTHEW ROSE, and MEGAN
18 ROSE, Individually,

Defendants.

CASE NO. C-10-04808 JCS

**PETITION AND ORDER FOR
APPOINTMENT OF GUARDIAN AD
LITEM**

20 Defendant MEGAN ROSE, as Mother and Natural Guardian for Matthew Rose, hereby
21 petitions the court for an appointment as Guardian Ad Litem to Matthew Rose, a minor in the
22 above-referenced action and provides the following in support:

23 1. Megan Rose is the mother and natural guardian of Matthew Rose, a minor whose birthday
24 is November 16, 1996.

25 2. Upon information and belief, on or about February 20, 2008, John A. Rose designated
26 Matthew Rose as a primary beneficiary to a life insurance policy issued by Prudential
27 Insurance Company of America.

1 3. Upon information and belief, on February 20, 2008, John A. Rose also executed a
2 Beneficiary Designation/Change Form designating Joshua Rose as primary beneficiary of
3 the policy.

4 4. On or about June 7, 2010, Megan Rose was granted guardianship over the estates of minor
5 Matthew Rose and then minor, Joshua Rose.

6 5. Unable to make a legal or factual determination as to which individual (Matthew or
7 Joshua) was entitled to the death benefit under the policy, Prudential Insurance Company
8 of America ("Prudential") filed an interpleader action on or about October 25, 2010.

9 6. As part of its action, Prudential requested the court appoint Guardian Ad Litem over each
10 minor so they may litigate their respective rights to the death benefit.

11 7. On February 19, 2011, Joshua Rose turned 18 and is no longer a minor.

12 8. There is no dispute between Joshua Rose and Matthew Rose as to how the proceeds of the
13 death benefit should be distributed. Joshua Rose agrees to share equally in the benefit with
14 Matthew Rose.

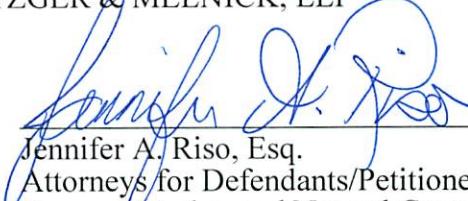
15 9. Petitioner, Megan Rose currently resides with both Matthew and Joshua Rose at 3303 La
16 Selva Apt. 3, San Mateo, CA. Matthew Rose suffers from Autism. Ms. Rose is the person
17 most knowledgeable regarding his condition and the person most qualified to represent his
18 interests.

19 10. Petitioner is a competent and responsible person and consents to act as Guardian Ad Litem
20 on behalf of her minor son Matthew Rose for the purpose of representing his interests in
21 the distribution of the proceeds of the life insurance policy previously deposited with the
22 court by Prudential .

23 24 WHEREFORE, Petitioner moves the court for an order appointing her as Guardian Ad
25 Litem for the purpose stated above.

1 DATED: March 18, 2011

LELAND, PARACHINI, STEINBERG,
MATZGER & MELNICK, LLP

2 By: 

3 Jennifer A. Riso, Esq.
4 Attorneys for Defendants/Petitioner Megan
5 Rose, as Mother and Natural Guardian for
6 minor Joshua Rose, Megan Rose, as Mother
7 and Natural Guardian for minor Matthew
8 Rose, and Megan Rose, Individually

9 **CONSENT OF NOMINEE**

10 I, MEGAN ROSE, as Mother and Natural Guardian of Matthew Rose, consent to act as
11 Guardian Ad Litem for the Matthew Rose in the above-referenced action.

12 Dated: March 18, 2011


13 Megan Rose

14 **ORDER**

15 The Petition for an Order Appointing Megan Rose as Guardian Ad Litem for MATTHEW
16 ROSE, a minor child, is GRANTED.

17 **IT IS SO ORDERED:**

18 Dated: March 19, 2011


19 United States Magistrate Judge